

***Remarks***

Reconsideration of this Application is respectfully requested.

Based on the following remarks, Applicant respectfully requests that under 37 C.F.R. § 1.116(a) the Examiner enter the foregoing amendments to the claims.

Applicant submits that these amendments place the application in even better condition for allowance, and do not raise new issues requiring further consideration or search.

Accordingly, entry of this amendment is proper and respectfully requested.

Upon entry of the foregoing amendments, claims 29, 31-39 and 41-48 are pending in the application, with 29 and 39 being the independent claims. Claims 29, 31, 32, 34, 35, 36, 39, 41, 42, 44, 45, 46, and 47 have been amended. No new matter is introduced by these amendments.

Based on the above amendments and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

***Amendments to Correct Typographical Errors, and for Consistency of Terminology***

Paragraph 0035 of the original application has been amended to correct a typographical error: "WIMS" has been corrected to "WDMS", an acronym used throughout the application to refer to a "wireless database management system", and which is further used correctly twice elsewhere in the same paragraph.

Throughout the claims the terms "appliance" and "appliances" have been replaced with "device" and "devices", respectively, when referring to wireless hand-held

communications device[s]. This change has been made to render the claims language consistent, as the terms "device" and "appliance" (and the plurals thereof) were both used in the claims as previously presented. The terms "device" and "devices" are more consistent with conventional usage for the claimed technology (e.g., PDAs, cell phones, two-way pagers, etc.), and are used extensively throughout the application as originally filed.

Throughout the claims the term "client-held" has been replaced with "user-held", to more clearly reflect that the claimed wireless devices are portable wireless communications devices which in usage may be held by users. Support for this change may be found in the specification, *inter alia*, at paragraphs 10, 38, 46, 48, and 49.

Claim 47 has been amended to correct a typographical error, by changing "1P" to "IP" when referring to an IP address.

No new matter is introduced with these amendments, and their entry is respectfully requested.

***Rejections under 35 U.S.C. § 102***

The Examiner has rejected claims 29, 31-34, 39, and 41-44 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent 6,574,742 to Jamroga et al. ("Jamroga et al.").

Applicant notes that at the top of page 4 of the Office Action, claims 30 and 40 are indicated as being rejected, even though these claims were previously cancelled. Applicant assumes this was an oversight on the part of the Examiner. Applicant further notes that at the top of page 4 of the Office Action, the Examiner indicates that claims "39-48" are rejected, but then only cites a basis for 35 U.S.C. § 102(e) rejections for

claims up through 44 (paragraph 4 of page 6). (35 U.S.C. § 103 rejections are provided later in the Office Action for claims 45-48.) Based on the specific rejections discussed by the Examiner, plus the fact that claims 30 and 40 are cancelled, to be complete Applicant therefore proceeds on the assumption that the Examiner's 35 U.S.C. § 102(e) rejections are intended to apply to claims 29, 31-34, 39, and 41-44.

For the reasons set forth below, Applicant respectfully traverses.

***No Disclosure in Jamroga et al. of "User-held Wireless Communication Devices Operating Within an Intranet Environment"***

Jamroga discloses a system for maintaining communications in a medical database system on a site-to-site, server-to-server, and site-to-server basis. For example, in column 7, lines 18 to 43, Jamroga et al. states:

"Each line on FIG. 1 schematically depicts a communication link in method and device 10. The diagonal line or *lines 20* represent communications links between *participant institutions* 14 and the *central database* 12 (or databases).... The vertical line 25 between the *central databases* 12 represents communication links utilized to transfer digital data and images between the *various remotely located central databases* 12. The horizontal and vertical *lines 24* between *participant institutions* 14 represent communication links utilized to transfer digital data and images between the various *institutional participants*.... Horizontal *lines 28* between *client institutions* 14 and *client satellite locations* 18 represent communications links utilized to transfer digital data and images between *institution participants* 14 and their various *satellite locations* 18.... The vertical *line 25* between the *central databases* 12 represents a communication link between two or more *central databases* utilized to transfer digital data and images." [Emphasis added.]

The pertinent terms are defined in Jamroga et al. as follows: "By 'participant institution' is meant hospitals, radiology group practices, physician group practices, medical imaging centers, and other healthcare facilities and organizations. By 'participant satellite locations' is meant physician offices, clinics, diagnostic centers, and other

medical and/or healthcare facilities associated with or participating with participant institutions." (Jamroga et al., column 7, lines 11 to 17)

As noted in the prior Reply to Office Action (filed October 12, 2006), the wireless communications links disclosed in Jamroga et al. are, as illustrated in FIG. 1 of Jamroga et al. and as described in the text cited above, either *site-to-site links* (e.g., between institution participants 14 and their various satellite locations 18) or *server links* (e.g., between two or more central databases 12), or a combination of server-to-site links. (Reference numbers refer to figure numbers in FIG. 1 of Jamroga et al.)

By contrast, independent claim 29 of the present application, as currently amended, recites:

A wireless database management system, comprising:

a first server providing a first virtual private network (VPN) and providing Internet access to *user-held wireless communication devices operating within an intranet environment*, the VPN limiting access to a subset of the wireless communication devices that subscribe to the VPN; and

a second server providing a second VPN with access to the Internet and providing access to one or more databases associated with the subscribing subset of wireless communication devices;

wherein operation of the first VPN and second VPN creates a VPN tunnel in the Internet restricted to data addressed to or from the subscribing subset of wireless communication devices; and

wherein the *user-held wireless communication devices operating within the intranet environment* include at least one of a personal digital assistant (PDA), cell phone, two-way pager or other mobile, hand-held, personal communication device.

Applicant notes that support for the "intranet" usage of the user-held wireless communications devices may be found throughout the present application including, for example, in FIG. 4, FIG. 5 and FIG. 6, at paragraphs 0008, 0023, 0033, and elsewhere throughout the application. As disclosed in the application and recited by the amended

claims language, the present invention is clearly and expressly directed towards wireless database management at the level of user-held wireless communications devices operating within an intranet environment which may be, for example and without limitation, an interior office space.

Jamroga et al., by contrast, has no such teaching or suggestion. Jamroga et al. neither teaches nor suggests the claimed network security features (e.g., a VPN tunnel) restricting access between a wireless database management system and "... *user-held wireless communication devices operating within an intranet environment...*". As disclosed in the text already cited above, Jamroga only discloses site links and server links, without any disclosure of user-held wireless communications devices operating within an intranet environment. Applicant further notes that a search of Jamroga et al. indicates no use of the following terms: intranet, hand-held, handheld, "hand held", PDA, cell phone, pager, or similar terms indicating the use of "... *user-held wireless communication devices operating within an intranet environment...*". Neither is there disclosure of specific brand-name, user-held wireless communications devices well-known in the art (e.g., "Palm", "Blackberry", etc.).

Terms indicating an indoor environment where such user-held wireless communications devices might be used are found nowhere in Jamroga et al. The terms "room", "local area network" or "LAN" are found nowhere in the application, and the term "offices" is employed only once, at column 7, lines 14 to 17, in a context which indicates the term refers to an entire site or facility: "By "participant satellite locations" is meant physician offices, clinics, diagnostic centers, and other medical and/or

healthcare facilities associated with or participating with participant institutions." This is consistent with the Jamroga et al. disclosure of site-to-site links.

Applicant notes that the most recent Office Action states (page 2):

"Regarding claim 29, the applicant argues that the Cited Prior Art (CPA), Jamroga et al. (U.S. Patent 6,574,742), does not teach that the wireless appliances are handheld communications devices. This argument is not found persuasive. The CPA teaches that each participant institution and satellite location have "computers, computer networks, modalities, terminals, input/output devices, transceivers or the like (not shown) for transmitting and receiving digital data and information" (column 7 lines 51-56) over communication links which can be wireless (column 7 lines 46-50). The terminals or the computers can include laptops, which are both hand-held and provide wireless communication, as evidenced by the wireless links (column 7 lines 46-50)."

Applicant respectfully replies that there is insufficient basis in Jamroga et al. to infer the use of user-held wireless communications devices operating within an intranet environment. Applicant offers two supporting arguments for this assertion:

First, as already noted, relevant terms (PDA, cell phone, Palm, Blackberry, etc.) are not disclosed in Jamroga et al. A reference to "cellular" link is used in a different context in Jamroga et al., and does not teach or suggest user-held wireless communications devices operating within an intranet environment as addressed further below. Terms such as "laptop" and "notebook" are not disclosed in Jamroga et al., either.

Second, Applicant asserts that there is no disclosure, teaching or suggestion in Jamroga et al. that any of the devices disclosed are operated within an intranet environment. The text cited in the Office Action (column 7, lines 46-56) discloses:

"Links 20-28 are communications lines, however, it is understood that dedicated wire or wireless links may also be used. It is understood that by "wire" is meant any physical connection, whether by optical fiber, coaxial cable, twisted pair or otherwise, and that by "wireless" is meant cellular, IR, laser or any other non-physical connection. In this regard, the participant institutions 14 and their satellite locations 18 each have computers, computer networks, modalities, terminals, input/output devices, transceivers or the like (not shown) for

transmitting and receiving digital data and information, e.g. by modem, over the communication links."

As noted above, communications links 20-28 are disclosed by Jamroga et al. as site-to-site links, site-to-server links, or server-to-server links. As such, the "computers, computer networks, modalities, terminals, input/output devices, transceivers or the like" must necessarily be understood as servers, switches, routers, and similar devices intended for site-to-site, site-to-server, or server-to-server links. In this context, a "cellular" link can only be understood as a wireless linkage between sites via cellular towers. There is no teaching or suggestion of "... *user-held wireless communication devices operating within an intranet environment...*", as with the present claimed invention.

Further, *assuming arguendo* a basis to infer "laptop" computers as being suggested by Jamroga et al., there is no basis in Jamroga to suggest that a laptop computer would be operated as a user-held communications device (analogous to a PDA, etc.), operating within an intranet. Rather, at most such a laptop computer could be an end-point of one of the site-to-site, site-to-server, or server-to-server communications links that are actually disclosed by Jamroga et al., and therefore such a laptop computer may function as a database server, network server, router, or similar device.

***No Disclosure in Jamroga et al. of VPN Tunnel Restricted Access to the User-held Wireless Communication Devices Operating Within an Intranet Environment***

Since Jamroga et al. neither teaches nor suggests user-held wireless communications devices operating within an intranet environment, Applicant asserts that Jamroga et al. cannot teach or suggest a VPN tunnel limiting access to user-held wireless communications devices operating in an intranet environment.

Applicant notes that the Office Action suggests that the VPN disclosed by Jamroga et al. is essentially equivalent to the VPN tunnel of the present application. Applicant respectfully disagrees with this characterization of the Jamroga et al. reference. Applicant further submits that the reliance upon Wikipedia is improper, and even if assumed to be proper for the sake of argument, does not overcome the deficiencies of Jamroga et al. reference. Accordingly, Applicant maintains that the distinction between a VPN and a VPN tunnel, as characterized in the previous reply to Office Action, retains merit. However, the Applicant deems it sufficient in the present context to assert, as already noted above, that since Jamroga et al. neither teaches nor suggests user-held wireless communications devices operating within an intranet environment, Jamroga et al. cannot teach or suggest a VPN tunnel limiting access to such devices in such an environment.

***Summary***

For the reasons cited above, Applicant submits that Jamroga, et. al., does not anticipate *amended* claim 29 because it does not teach or suggest each and every feature of that claim. Claims 31-34 depend from independent claim 29 and therefore are not anticipated by Jamroga et al. for at least the same reasons as discussed above in regard to claim 29 and further in view of their own respective features.

Amended independent claim 39 is a method claim analogous to independent system claim 29. Applicant submits that Jamroga, et. al., does not anticipate *amended* claim 39 because it does not teach or suggest each and every feature of that claim. Claims 41-44 depend from amended independent claim 39 and therefore are not

anticipated by Jamroga et al. for at least the same reasons as discussed above in regard to claim 39 and further in view of their own respective features.

Accordingly, Applicant respectfully requests that the rejection of claims 29, 31-34, 39, and 41-44 under 35 U.S.C. § 102(e) be reconsidered and withdrawn, and that claims 29, 31-34, 39, and 41-44 be passed to allowance.

***Rejections under 35 U.S.C. § 103***

Claims 35, 36, 45, and 46 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Jamroga et al. in view of Ludovici et al. (U.S. Patent 6,636,898) ("Ludovici et al."). Claims 37, 38, 47, and 48 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Jamroga et al. in view of Baker et al. (U.S. Patent 5,696,898) ("Baker et al."). For the reasons set forth below, the Applicant respectfully traverses these rejections.

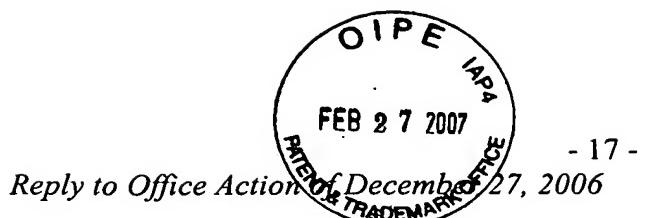
Claims 35-38 depend from independent amended claim 29. For the reasons set forth above, Jamroga et al. does not anticipate amended claim 29 because it does not teach or suggest each and every feature of that claim. With respect to amended claim 29, Ludovici et al. does not provide the missing teachings or suggestions. Accordingly, the combination of Jamroga et al. and Ludovici et al., even if assumed proper for the sake of argument, cannot render amended claim 29 obvious. Likewise, with respect to amended claim 29, Baker et al. does not provide the missing teachings or suggestions. Accordingly, the combination of Jamroga et al. and Baker et al. cannot render amended claim 29 obvious.

Dependent claims 35-38 are likewise not rendered obvious by Jamroga et al. alone, by an assumed combination of Jamroga et al. and Ludovici et al., or by an assumed combination of Jamroga et al. and Baker et al., for the same reasons as claim 29 from which they depend and further in view of their own respective features.

Claims 45-48 depend from independent amended claim 39. For the reasons set forth above, Jamroga et al. does not anticipate amended claim 39 because it does not teach or suggest each and every feature of that claim. With respect to amended claim 39, Ludovici et al. does not provide the missing teachings or suggestions. Accordingly, the combination of Jamroga et al. and Ludovici et al., even if assumed proper for the sake of argument, cannot render amended claim 39 obvious. Likewise, with respect to amended claim 39, Baker et al. does not provide the missing teachings or suggestions. Accordingly, the combination of Jamroga et al. and Baker et al. cannot render amended claim 39 obvious.

Dependent claims 45-48 are likewise not rendered obvious by Jamroga et al. alone, by the combination of Jamroga et al. and Ludovici et al., or by the combination of Jamroga et al. and Baker et al., for the same reasons as claim 39 from which they depend and further in view of their own respective features.

Accordingly, Applicants respectfully request that the rejections of dependent claims 35-38 and 45-48 under 35 U.S.C. § 103(a) be reconsidered and withdrawn, and that claims 35-38 and 45-48 be passed to allowance.



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Reply to Office Action of December 27, 2006

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Appl. No. 10/040,524

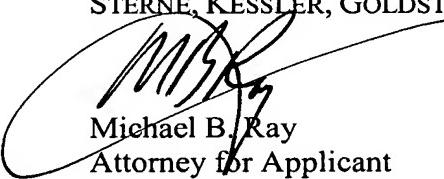
### Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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